

REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
February 17, 2009
Council Chamber

1. CALL TO ORDER: Chair Lawrence called the meeting to order at 7:55 p.m.

2. ROLL CALL:

Members Present:

Ms. Hockenberry
Mr. Kearney
Mr. Meeks
Mr. Lawrence
Ms. Rodgers
Ms. Teates
Mr. Wodiska

Administrative Staff Present:

Ms. Cotellessa,
General Manager of
Development Services and
Planning Director
Ms. Perry, Senior
Planner

3. ADOPTION OF AGENDA:

Ms. Teates moved, and Mr. Wodiska seconded, to adopt the agenda; however under Old Business she moved to flip A., Capital Improvements Program, (CIP) to make it second and make B., Application 20080979, Special Exception Amendment Application first.

Upon voice vote, the motion passed unanimously.

4. PLANNING COMMISSION REPORTS:

Ms. Teates and Ms. Hockenberry, having just completed the course, displayed their Certified Planning Commissioners Training Certificates.

Mr. Teates attended the EDA meeting along with Ms. Hockenberry and heard more about the branding project where they are working with a group of different citizens from different community groups with Matt Smith of Smith-Gifford and submitted it's something the Planning Commission needed to be aware of. They're going to hold public hearings and there might be information that might be relevant when the Comprehensive Plan was updated next year to make sure the Comp Plan was in sync with that plan.

Ms. Hockenberry knew the mayor, vice mayor, and the chair and vice chair of the Planning Commission were meeting once a month which she thought was a good idea, but suggested there needed to be a master summit meeting with City Council, The Planning Commission and the EDA to make sure they were working in parallel and every group knew what the other was doing.

She also drew attention to Planning Magazine and saw Corvallis, where Annette Mills and Dave Eckert moved. There was an article on the environmental factors out there

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and the community's effort regarding that, and their names were featured in the article. Ms. Teates added they were visiting Falls Church in March and perhaps they could be asked about that.

Chair Lawrence said for the first time all the Planning Commission documents for this evening's meeting were on line, thanks to Ms. Cotellessa and planning staff, and he thanked them for the quick response.

Chair Lawrence related there was a reception last week for the outgoing planning commissioners and a welcome reception for Ms. Cotellessa. He noted planning commissioners showed up who hadn't been on the Planning Commission for many years, as well as City Council members and everyone had a very good time.

5. **RECEIPT OF PETITIONS:** None.

6. **PLANNING DIRECTOR'S REPORT:**

Ms. Cotellessa reported before there were three meetings in March, a comment on the renewal of a Special Use permit, a minor subdivision, which is to slice off a little piece of parkland on a property, and a worksession on the Northgate project. There would be a joint worksession at the end of the month with City Council to finalize some of the CIP determinations.

Ms. Cotellessa noted many of the matters which were pending were driven by financial realities, and were a little bit slow to come in. The site plan for BJs had come in since the last meeting and they were moving forward on that. Also, everyone was looking forward to the first retreat coming up this weekend.

Chair Lawrence said at the worksession with the City Council, they received an update from Falls Church Housing on the status of their City Center South project. They were still trying to make it work. It's a horrible budget and financial environment but they're trying to find a new equity partner to help fill gaps. They had a representative from VHDA and they're still actively trying to get this moving. There isn't any timetable but they're hopeful to get something soon.

7. **OLD BUSINESS:**

B. **Application 20080979, Special Exception Amendment, Retail, Retail Service, and Office Uses, 410 South Maple Avenue, Pearson Square.**

Public Hearing and Recommendation to the City Council

Ms. Elizabeth Perry, senior planner, presented the staff report. She related the application was a Special Exception Amendment. The Special Exception that was requested for amendment was originally approved in 2004 to permit a mixed use development. Part of that development was a building now known as Pearson Square. The building currently contains 230 dwelling units and approximately 19,000 square feet of first floor commercial space. In the resolution that was approved with the special exception, that first floor commercial space was designated for retail uses. As part of the voluntary concessions associated with the special exception, the applicant was to provide 3000 square feet of that 19,000 square feet for a flex arts space which was likely to be known as Creative Cauldron.

The applicant is currently owner and broker of Pearson Square. They were not the original developers but they now own and broker that site. The applicant has come

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in to request an amendment to the special exception to allow more uses than just retail in that 19,000 square feet.

The staff recommends that the Planning Commission forward a recommendation that the City Council approve the special exception amendment as follows: To allow up to 8000 square feet for retail service and/or business, professional, medical and dental office uses with a limitation that of this 8000 square feet, no more than 2000 thousand square feet may be occupied by business and professional office uses and no more than 2400 square feet may be occupied by medical or dental office uses.

In addition to having this application referred from City Council to the Planning Commission, it was also referred to the Economic Development Authority which heard from the applicant earlier this month. Their memo containing their comments were sent to the Planning Commission but just in summary. The consensus of the EDA was that applicant should be allowed greater flexibility in the use of the commercial space. They insisted that the high standards be maintained for any commercial uses regardless of the category of use. They recommended the applicant seek tenants that generate daytime and evening activity and noted a restaurant was highly desirable. They also noted some service retail uses would be desirable for the location, given the proximity of the residents and employees now working in that area.

Mr. Evan Pritchard, attorney from Walsh Colucci, was present on behalf of the Transwestern. They had not put together a presentation per se but provided one to the Economic Development Authority recently and it was hoped that that was circulated. He understood that was provided to the commissioners. Packaged together was a summary of the marketing efforts undertaken in the last few months which they provided to the EDA.

Mr. Pritchard noted when they first went to the City Council at the first reading back in November they explained for the better part of a year they had been looking under every stone to find retail tenants that would be a good match for Pearson Square and would be of benefit to the community. The experiences they were having was that retailers were telling them there were already signs in late summer, early fall that the economy was pulling back a bit. They were seeing sales decline and there was a reluctance to venture off the main drag towards what could be characterized as secondary retail locations. There was a difficulty attracting the high end Ann Taylor Lofts, boutique-like stores, over to Pearson Square and a desire to expand the scope of the search to include service retail tenants, tax preparers perhaps a doctor's office. Services that would benefit the tenants of the building and be an amenity to them and would serve to fill the space until the economy recovered and they could bring in cafes and other retail the community would like to see.

That was back in November. Since then they continued to talk to a number of retailers and service retail tenants. They're currently in discussions with a company called Gymboree that would be a nice complement to the Creative Cauldron's use and were looking along those lines to reach out to other tenants including restaurants and professional service office tenants to drive foot traffic during the day and be both an amenity for the tenants of Pearson Square as well as the surrounding community.

Present tonight with Mr. Pritchard were Bob Ruffatto from Chicago, managing director of Transwestern; Ann McLean, the marketing person for retail; and Stacy Lancaster and Martha Sweeney from Pearson Square itself. Together they offered to answer any questions the commissioners might have to help understand why they were

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coming to the City Council to get more flexibility on what they could do at Pearson Square.

Ms. Perry notified the commissioners the handout on the dais this evening was the materials that the applicant sent past the package delivery date which was sent electronically last week. It was a back up since they didn't have the hard copy.

Ms. Hockenberry acknowledged she and Ms. Teates were at the EDA meeting for applicant's presentation and heard over an hour's worth of presentation. Ms. Hockenberry thought it sounded like a reasonable compromise in this day and age. She was interested in cooperation and understood things had been going very well with Creative Cauldron and Falls Church Arts, which would be a draw to the area. She knew in the retail leasing business, the commercial sites would provide the highest and best use for the property. The City desperately needed to have active storefronts. She thought it was a beautiful building and noted the 82 percent lease rate.

Mr. Bob Ruffatto with Transwestern Investment Company advised the commissioners he had met with Laura Hull this afternoon and did get her to say that he could say tonight they had an agreement in substance on the lease. He had been working with them closely for nine months and they've struggled a bit with the economy and changes in construction costs and things like that. It had gone on longer than expected. Originally it was thought they would be in January 1st, it's now expected they would occupy June 1st. They're out for bids and hopefully construction will be started next month.

Mr. Kearney asked if there were certain retail bays that were proposed to be restricted in this way or was it whatever they wanted to do in the 19,000 square feet that was available.

Ms. Perry explained the way the recommendation was crafted was based on square footage so it did give some flexibility in which of the spaces would be appropriate for a tenant. The ones that have been set aside that staff could confirm was the area for Creative Cauldron and all the materials seen on the opposite side of the commercial first floor use would be where the restaurant was; however the applicant could provide more details where they're envisioning some of the more flexible uses to go.

Mr. Kearney professed the reason he asked was this had been set up for a restaurant in a couple of places with the kitchen exhaust shafts and such, and was a little concerned if a doctor's office came in, the restaurant may not want to be next to it or there may be conflicting uses that would continue to have the result being empty space down there.

Mr. Ruffatto assured the commissioners they were certainly familiar with that. They had probably 4 billion dollars worth of real estate across the United States and had a major commitment to retail. They were familiar with co-tenancy and what goes well and what doesn't go well. That was the front door to their building and the 500 Falls Church residents who will live in the building, it's critical to get the right mix of tenants.

Within the package submitted was a floor plan which provided a retail space and target market. On the right side, that space to the right what is called the Arcade in the center of the property, that Arcade is where people walk in. The parking was behind retail, which was one of the detractions. You would walk

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through the very nicely done Arcade. There was talk with the community and the arts group about making that an arts display area and having it on a rotating basis, maybe including some things significant to the community on occasion. That was the area they walk and then disperse.

All of the space to the right, there was probably three shafts within that area where you theoretically could put exhaust grills up to the rooftop; the thought being to the farthest right, the premier corner of the property, would most likely be a restaurant. They were going to hold out for a restaurant there. There was a restaurant in the building adjacent. It wasn't necessarily a commitment to this building and he thought this exception was needed to even have a restaurant because a restaurant didn't fall within general. He wasn't certain about that.

Off of the arcade would be a coffee bar, wine shop, deli, which would probably be a great use as tenants come down in the morning. Then in the evening, to walk by walking down to the parks, would be a great spot. In between the deli and the restaurant was the thought to have this retail service area. Some areas that would be conducive to what the other tenants' needs were.

To the farthest left was the Creative Cauldron space which was enlarged to suit their needs. The original drawing which was done before Transwestern purchased the building created a problem for their layout. Those walls were adjusted and a different space than what was shown would be created to accommodate the different groups they wanted.

Adjacent to that was where they were looking at related children activities. They'd love to get a learning center. Currently they were looking at Gymboree. They were hoping to play off of that as well as some of the other spaces may play off of Creative Cauldron. Gymboree had expressed interest in the space because of Creative Cauldron.

Mr. Kearney asked Mr. Ruffatto if Transwestern was willing to commit that the farthest right space be held out as a restaurant and not be switched over, in particular to a bank, which he felt would be deleterious to the whole effort here.

Mr. Ruffatto acknowledged a restaurant would be advantageous for them but there were a lot of cost considerations. Restaurants hadn't seemed to be interested. They've talked to 70- something restaurants. While it was the most desirable use, it's a tough use to say they wouldn't do anything other than that. He didn't know what the options were. This environment was so different than any environment faced in his 40 years in real estate. He assured the commissioners it was the best use of the space, for the 500 residents and maybe the neighborhood, but couldn't make promises.

Mr. Kearney said Transwestern was asking to change the use on half of the retail that was not Creative Cauldron, and assuming they go forward on this which he thought was a good thing to do, it would be up to Transwestern to decide which of the bays they rented out for whatever use. Ms. Perry said that was correct. Mr. Kearney asked if there was any mechanism whereby the Planning Commission could do anything to try to assist them or make certain that everyone did their best to get the restaurant on that corner which is what everyone wanted, or any way to enforce that.

Ms. Perry explained through the special exception process there was discussion about opportunities of helping to facilitate the vision upon which a concept was

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approved. It's possible with the applicant's agreement, as it were the wish of the Planning Commission, to craft some kind of amendment to the resolution that would do something like that.

Mr. Kearney thought that would be ideal. He thought having all the blank store fronts down there was a disaster for everyone and what they were doing to try to bring in different types of uses to light those storefronts was a great thing.

Mr. Ruffatto said the only complication to that was that obviously their success was going to depend on the flexibility they had. He didn't know what the right space for a restaurant would be. Some may view that corner spot for a restaurant but that may not be how the restaurant people viewed it. To the extent they tried to put restrictions on it, would just tie everybody's hands. Mr. Ruffatto emphasized the ultimate and maximum value of this property was embodied in the 230 condominium units they intended to sell when the condo market returned. They were committed. They had a \$100,000 million dollar commitment to that property, and \$40 million worth of equity. They were going to be extremely careful. This was not only the front door and a very visible piece of the Falls Church community, but this was the front door to their residences. He would only ask that the Planning Commission give them as much flexibility as possible to rent this. He thought their interests were aligned.

Mr. Pritchard wished to add for clarity the way the special exception was worded now, they were not required to put a restaurant anywhere. They were asking for more flexibility but were not trying to skirt any restaurant responsibility. To the extent they could find a restaurant tenant to go into some of these spaces that in some ways had already been fit out for a restaurant, if that was appropriate they were going to make every effort to get one in there. He wanted to make sure it was clear they were not asking for an amendment to the special exception to allow for flexibility to not have a restaurant where they were committed before.

Mr. Lawrence remarked they didn't need this amendment to be able to put in a restaurant, which Ms. Cotellessa said was correct. She added that right now with the special exception that had been granted, the bottom floor use was retail, including the Creative Cauldron. When a change is made to the special exception, it can be made in the manner desired. And as Transwestern properly said, right now this retail use would allow them to put a restaurant in any of these spaces. There was also a point with respect to the location and the importance of the location at that end of the site for either a restaurant, which would be ideal, or something more along the lines of what was first approved, as a quality retail site. If the commission was looking at crafting some flexibility, they might look at the spatial location of the flexibility given, more toward the interior; you recommend they strive for a restaurant and if they can't do a restaurant, that should be the location of prime retail and move the more flexible sites to the interior. That was something they could do within the context of their approval.

Ms. Rodgers admitted one of the things so attractive in this particular project was the architecture and the way it looked at street level. That was one of the prime reasons she was so supportive of this project when it was going in. That said, she asked if the use in that retail space changed, what would happen to that street facade. For example, if you put a dentist's office in there, wouldn't the windows be closed off.

Mr. Ruffatto said that comment was brought up in a previous meeting with the Economic Development Authority and caused him to spend some time looking at the

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retail along Broad Street. In his opinion, the various spaces he observed did not have attractive storefront presence.

Currently they were discussing signage. Among other questions they were asking were how do they bring some life to that even when there weren't necessarily people. Should it be with awnings, lighting, and what sort of signs should be there.

Their own building office was right on the street and when he walked past one night he was reminded how careful they had to be regarding that street presence. In talking to Laura Hull, her office would be right on the street and so people as they walk to the park would pass that. He said they would put in language about what you can see as you walk by on the street. They were very concerned about that. If a space needed shades, there might be a special see-through shade used. He emphasized they were going to be very strict about what could be seen from the streetscape.

With regard to a professional office, a dental office, for example, one thought was making them put up a false facade right in front of the window which could have rotating art work, something that would add life and attractiveness, maybe a glass partition that would show through some life.

He informed the Planning Commission they spent a few thousand dollars some months ago putting up window clings and walked the site again today thinking about could they put up window clings. These were things that could bring forth a sense of life. These were seen in the large shopping centers where they'll have vacant stores rotating all the time and the window clings have streetscapes on them. That might be the kind of thing to bring at least to eye level so people wouldn't look in and see inexpensive furniture. Mr. Ruffatto assured the Planning Commission they were working on that and admitted some things deserved to be covered.

After the EDA meeting, Ms. Teates had been thinking a lot about what to put in the windows. Some parts of Arlington at night didn't really look attractive. She admitted what they were afraid of seeing were really dusty old blinds, which was what you see in a lot of doctors' and dentists' windows. She thought it was a shame Creative Cauldron had to have their office space in front instead of an area where you could see children waiting to go into a class.

Mr. Ruffatto said Ms. Hull mentioned they were an arts use and would have blackout drapes. They talked about the idea to work on something that had a design on it.

Ms. Teates noted that while the applicants had done a presentation at the EDA meeting, the difference was this meeting was a public meeting that was televised and it would have been helpful for the public to have some of the slides in electronic format up on the screen.

Ms. Teates said she was going to channel Susan Fauber who left the Planning Commission a few months ago who said the Planning Commission should really leave the decisions up to the applicants because they would obviously not want to have a check cashing store when they were looking to turn over into condos eventually. Her feeling was they would probably want to limit how many conditions they put on it because much of it was based on the market and the people who owned the building knew what should and should not go in there many times better than the commissioners did.

She thought the motion the staff put together where 8000 square feet was limited to

this expanded use did put them in a position where they knew not all of this was going to end up being service and some of this would be retail. She believed applicant wanted a restaurant. She suggested they could add language that it's preferable.

Ms. Hockenberry agreed with Ms. Teates' evaluation.

Ms. Rodgers wanted to know if the people who rented the space who were not considered regular retail be able to change the facade. Mr. Ruffatto said there would be no facade changes and they would specify the type and style of signage. They were getting proposals right now and they were going to look at the different elements. They went back to the architect, WDG, who directed them out to professional sign companies who said they would be more capable. They would come up with a sign package, and there would be no facade changes other than if it was contemplated on some plans that you might put some awnings on some of them to bring a European streetscape feel to it.

Ms. Rodgers informed Mr. Ruffatto they had to go through the AAB to get awnings but they were generally open to that. Mr. Ruffatto replied the companies they worked with were fully aware of Falls Church signage requirements.

Ms. Rodgers noticed that there was a request to have George change its route to go down by the building and why was it that it didn't go there now. She thought most of the time when a special exception was done, there was a contribution by the developer to help with the expenses of George and after a certain period of time George was supposed to go by and pick people up at that destination.

Ms. Perry explained currently the way the special exception was written was that the developer was giving the City money towards George for George passes for a certain amount of money. If there was going to be a route down through by the area of the development, it would be a different amount of money because it would be a different level of service. Ms. Perry's understanding was that they did get passes.

Ms. Rodgers would like to see George go more places, particularly because now Pearson Square was getting rented.

Mr. Ruffatto said they get many inquiries and they sell the location on not only the community and the school system but also the proximity to parks and the Metro. While the George Bus was a few blocks away, they were long blocks, and that was not nearly as desirable as having a George Bus come by.

A George Bus coming by would accomplish a few things. The developer had paid \$25,000 for the expansion of the George Bus and also provided \$3500 for the construction of a bus shelter. Having the George Bus would be a benefit for both the Tax Analyst Building and their 500 residents. It would also bring eyeballs past the property and it was very important to cement the identity of whatever they created there.

Ms. Cotellessa thought the plan was long term with the development of City Center and as there was more density in that area, adding a route or bringing George down to that area would make more economic sense.

Ms. Rodgers asked out of curiosity how much more did it cost for George to go three blocks down and then three blocks up.

Ms. Hockenberry informed the commissioners from her experience with the Metro with

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George, the Metro running our bus system was very reluctant to make route changes. Anything to do with George would be a big thing during this budget session and looking at alternatives perhaps through Arlington.

Ms. Hockenberry asked about the traffic signal and if there was any information about that.

Ms. Cotellessa recalled there was dedication towards a traffic signal should that warrant be in place. She thought that was under study.

Ms. Hockenberry noted that was another things asked about during the EDA meeting. Chair Lawrence said the EDA presentation should be put in the record.

Chair Lawrence inquired of Mr. Ruffatto, having seen the staff report and the recommendations, if he was fine with them. Mr. Ruffatto agreed that he was and they've adopted those and everything heard so far in the meetings had been placed in the materials.

Mr. Wodiska thought the term "high standards" with regard to restricting certain type of retail was vague and requested clarification.

Mr. Ruffatto replied they were going to require elevations now based on some of the comments heard about what would be seen from the streetscape. In general with larger retail, they don't have specific controls and retailers don't like controls. They want to set up and merchandise their space the way they would like. Many of them would object. If an office has visible furniture, language would be put in to say it should be high quality furniture. That wasn't easy to define. Mr. Ruffatto admitted their retail attorney has struggled with this concept and she was very concerned about enforceability. It would evolve over a period of years.

Chair Lawrence referred to Ms. Cotellessa's remark that if someone wanted to make a motion to say certain kind of uses were not permitted, they could make the motion and have people vote on it. He thought it came down to the fact it was their front window and their facade. He would trust Transwestern would not do anything that would be overly absurd to themselves.

Mr. Meeks believed generally speaking this was a great idea. He thought the fact there was a car dealer right in front of Pearson Square drove more of the train rather than whether there were a few dead bugs in a window. He took the issue seriously but noted where your front door is was where your front door is and they had to deal with that.

He also referred to the staff analysis where it said "In addition the applicant has indicated they may consider short term ten year leases for those uses that are not retail or restaurant." He wanted more information and if that meant a good tenant would be forced to leave in ten years.

Mr. Ruffatto explained when they purchased the property they understood it was a wonderful residential site and thought they could attract great residents. It's over 80 percent leased in less than a year which was extraordinary. They also knew it was a secondary retail site. Their bet was that within ten years, which was their investment period, was that City Center would develop and be their connection to Broad Street. Absent City Center and a real confluence and concentration of retail, this would always be a secondary or tertiary retail site. It doesn't have good parking and drive-by traffic and it has an auto dealership in front.

The thought was that 15 years or less on those leases would allow these uses to evolve as City Center developed. They would love to have general retailers there and more high paying restaurants. Things like that would bring activity and that was dependent on having people. The thought on the non-retail uses was to attempt to keep them shorter. Some day the units would be sold and the idea would be they'd like to take advantage of whatever the market was ten years from now. That was the shorter term leases because they would like to see it evolve to basically general retail with the exception that you do need some services for the 500 residents in the building and whatever other residents were nearby. A dry cleaner drop off would probably be a highly desirable use no matter what.

Mr. Meeks announced he generally supported this but was still confused whether a time limit should be put in because it sounded like Transwestern wanted the time limit on their own.

Ms. Perry explained from the staff perspective it was put in there because the applicant had mentioned that in their conversations. It wasn't a piece offered as part of the application. It was something provided by way of information. It's possible as voluntary concessions they could agree to that if they wanted to but staff was not necessarily recommending that.

The Chair opened the item to the public.

Gary LaPorta (130 Chanel Terrace), chair of the Legislative Committee for the Falls Church Chamber of Commerce, said one of the things they didn't want to happen was the elimination of the George Bus and that controversy would be a fight they would be happy to take on at another time. He also said there was a concern as to how a building that would house over 500 people could be approved with no consideration for the services that those people needed, such as dry cleaning and hair salons, which were not retail but retail service. It was not a reflection on the current Planning Commission, but just a thought.

He noted City staff and the retail consultant that the City hired and paid for agreed that this should go forward and they should be listened to. If no one wanted to listen to them, he suggested the City should just get rid of them and that would provide great cuts for the budget.

Mr. LaPorta drew attention to the staff report where in the fiscal impact section it said "minor." Basically the retail section had been available for about a year but has been sitting empty. They've lost opportunity costs, by the City's model, of more than \$100,000 in revenue from those spaces that were not being leased. If they had possibly more flexibility, maybe they could lease them and the City could have received some of that money into the revenue stream.

Regarding image, he professed it to be a beautiful building but all you saw were empty storefronts. Image needed to be restored just to give it the look the City wanted. Mr. LaPorta announced The Chamber of Commerce stood by this project and thought it's a great way to do it. They hoped that the Code rewrites would provide some definition of service retail worked out.

Ms. Perry wished to provide a few clarifications regarding the transportation funding, the \$75,000 that was voluntarily provided by the developer. The development condition was for vehicular traffic intersection improvements in the immediate vicinity of the project. Those payments have been received and it would

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be at the City's discretion as to what would be appropriate. They would work with staff identifying some potential projects and then go through the budget amendment process to pull the funds and get the improvement, whatever was selected, constructed. Bus shelter improvements were not specified as being for a George bus. It was only an option. Washington Street was also served by many Metro bus routes. There was flexibility that there could be a Metro bus shelter in the vicinity of the project as well.

Ms. Hockenberry remarked that with the idea of any improvements done in that area, she emphasized they needed to be very careful and work with our Fairfax County neighbors on that. She thought they needed in the near future to sit down with Linda Smith and do some talking as to what they jointly would like to have down there and the cooperative nature of that section of Lee Highway. She echoed that same sentiment regarding working with Fairfax County regarding the BJ's Warehouse site.

Ms. Cotellessa informed the commissioners Ms. Wendy Block Sanford was working on the project and had already contacted Ms. Gross' office.

MOTION: Ms. Teates moved, and Ms. Hockenberry seconded, the Planning Commission recommend that the City Council approve Application 20080959 by passing TR 8-60 with a condition that the subject property known as Pearson Square up to 8000 square feet of the first floor commercial space may be for retail service and/or business, professional, medical, and dental offices uses and with the limitation that of this 8000 square feet, no more than 2400 square feet may be occupied by business and professional office uses and that no more than 2400 square feet may be occupied by medical or dental office uses. Additionally there is a preference for a restaurant in the northern corner of building currently designated as Retail 9.

Upon roll call vote, the motion passed unanimously.

A. Capital Improvements Program (CIP) for Fiscal Years 2010-2014.

Ms. Cindy Mester, Assistant City Manager, was present to provide information on the CIP. Tonight's meeting was to bring the recommendations from the worksession back to the Planning Commission for final discussion and recommendation to City Council.

Ms. Mester reported the staff memo provided a brief background synopsis out of the introduction section of the CIP so that the community would have a context for tonight's discussion, the 5 year Capital Improvements and Capital Operating Plan that would be forwarded per City Code and Charter to the city manager to transmit to Council as part of his proposed FY10 budget which will be distributed on March 9.

The CIP was originally presented to the Planning Commission on January 5th. Worksessions have been held on January 21st and the 2nd of February, and then this evening hopefully adoption. During those discussions there was the opportunity to review in detail all the projects and have staff present them and answer questions.

At the second worksession the Planning Commission made a recommendation to modify

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the CIP as presented on January 5th, and that was to set aside \$2 million for the potential land and building acquisition for the Mary Riley Styles Library expansion project. The CIP's Attachment One reflects the \$2 million. It is presented as a single facility project item which was the discussion at the worksession and was Ms. Mester's recommendation since the feasibility study was not done and they don't know what would happen or what would be prioritized to leave it as one item to allow for the maximum flexibility. Attachment One, which is the summary table for General Fund and School Fund, Ms. Mester modified the title of the project to be City Hall Public Safety Improvements/Library Expansion.

As part of the discussion, when the Planning Commission directed that set-aside, Ms. Mester contacted the library director, Ms. Mary McMahon, who was present this evening along with Jeff Peterson who chairs the Space Committee from the Library Board of Trustees, to assess what the library would do with the building, if acquired, how would functions be redistributed, renovations handled, and the operating costs associated with that.

A Special Library Board of Trustees meeting was held and those memos were in the packet, Attachments 4, 5 and 6. Attachment 4 described which functions would be able to move into the secondary building, freeing up space in the main library to expand children services, etcetera. In addition floor plans were provided highlighting which categories would move to a potential new building, allowing reconfiguration within. The goal would be the \$2 million would allow for building acquisition and leave enough for the minor renovations to accomplish that.

There was a potential increased operating cost of about \$15,000 due to insurance, utilities, and so forth. No additional space or staff, they would just reallocate current staff. That expanded in Attachment 6.

Assuming it would take a full year or majority of the year after July 1st approval if this was approved in the Council budget, the acquisition, renovation, so forth occurs, then the \$15,000 would not be impacted in the FY10 budget. If it did occur prior to that, the Library Board most likely would have to absorb those costs. The current FY10 budget was under development, and given the economic climate it's currently sitting with the \$3 million gap that staff must solve before the city manager presents the budget on March 9th, because it must be a balanced budget.

Those additional items were provided in the Planning Commission's packet this evening. The Library Board of Trustees did formally vote to request it be a stand alone line item, not incorporated in the City Hall/Public Safety/Library Expansion concept as presented this evening.

Based on the Planning Commission's proposal to set aside \$2 million for land banking, building opportunity acquisition, and with another two pieces of property coming on the market subsequent to the February 2nd worksession, Ms. Mester put in the staff report this evening a staff modification and she labeled that because it was not discussed in the worksession as it came up separately. One additional concept she asked the Planning Commission to consider was setting aside \$500,000 for land or building acquisition for the general government public safety part of this project; and the same concept of being able to take advantage of an opportunity as it occurred in the current market.

The line item for FY10, that was why it was shown as \$2,500,000 and not just 2,000,000. 500,000 was shifted over to allow for that opportunity. The total amount of that line item still remained at 14 million because they were at the debt service capacity. There was no increase. She just shifted the 14 million that was

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in FY11 and put 2.5 into FY10.

The bottom line from the staff's recommendation was that Ms. Mester's recommendation was to go with the CIP as presented on January 5th with modifications through February 2nd, to capture the changes when the State eliminated the City Center Intermodal 6 year transportation money. That would need to be incorporated into whatever was adopted tonight, it had to get through the February 2nd changes.

Going back to the original proposal as presented to allow the feasibility studies for both the City Hall, general government, public safety, community center, and library and the schools' long range feasibility study to be done so there was one 20 year master plan fully vetted in the community.

The other attachment not highlighted was the modification to the actual project description for City Hall and public safety. It had been modified and a paragraph added on the library expansion and reflected the 2.5 shift so that that one consolidates all. The rest of the library's original recommendation of 6.7 was still not recommended; only the 2 million, so she modified just that one project.

The final point Ms. Mester made on staff report, Attachment 8 was using the planning director's new model for setting up motions in advance for their consideration. First one for approval was exactly what she just stated to approve as presented on January 5th through February 2nd modifications. The second one was the modifications that the Planning Commission directed at the February 2nd worksession. The third one would then be Ms. Mester's alternative if they're going to pursue the land banking, \$2 million for the library, she asked they set aside 500,000 for the general government and public safety. The final one gave the opportunity to modify and provide further direction for her to forward back to the city manager and Council.

Mr. Kearney drew attention to the chart on 2-1 where the 2.5 million in fiscal year 2010 was shown in italics which was debt finance, but on the bottom of the page was shown as a Pay-As-You-Go financed item.

Ms. Mester confirmed it was debt finance and if it was approved by the Planning Commission she would adjust it down below. There was not 2.5 in the fund balance to use for this and she would have to recalculate. The total dollar amount stayed the same, she just shifted years.

Ms. Teates didn't think \$500,000 seemed like a lot of money for land banking and asked if that money was needed to finance a bigger deal.

Ms. Mester replied given this was an estimate and what was currently on the market and knowing the buildings around City Hall were mostly condo-owned, it would be slow acquisition build up. She didn't want to identify a specific building but it could be on Little Falls or the four corners.

Ms. Hockenberry's wanted to have the \$500,000 be the same amount as for the library and to do the \$2 million just to have that flexibility. If a nearby building came on the market and there was a chance to act, it would be foolish not to.

Ms. Hockenberry commended the library board for their excellent report.

Ms. Mester said increasing to \$2 million would not be objected to by staff as long as the total remained the same to be fiscal policy compliant.

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Chair Lawrence reminded everyone he had been on the Library Board for several years.

In response to Mr. Kearney's query about the EDA and land banking, Ms. Hockenberry said the EDA did do land banking but this was a different situation. It would probably be purchase of a property or purchase of condo rights within the area.

Ms. Mester said the EDA had served as the City's agent to hold land. That could be a purchase process that might be considered here. Irregardless, the City financed the money. The EDA did not have the money generally to secure the deal. Past deals had all been City financed. The EDA just changed the ownership. If it had to be sold in the future, it changed the process.

Ms. Hockenberry noted it also changed the overall debt situation because the EDA could be different. Ms. Mester explained if the City provided the funding, it still went under the City's debt service because it's the City's general obligation bond.

Chair Lawrence said the idea here was to get something and using it as fast as possible as opposed to buying property next to the Post Office and owning it as long as needed until there was a good use for it and someone would buy it.

Mr. Kearney asked if there was a demonstrated need for more City government space and if there was a proposal from staff that City offices needed to be expanded.

Ms. Mester informed the commissioners there was a draft feasibility study coming back in March to Council for appointment of a task force to take it out to the community. In that draft proposal, it was known that the Police Department at 6500 square feet was insufficient to any standards and the current proposal was 24,000 square feet for the size of the department, vehicles, evidence, locker rooms, etcetera. Court set here was insufficient because there was no area for lawyers and witnesses other than the meeting rooms and hallways. There was no place for the judge and the prisoners were transported on the public elevator. The building and development department was two thirds smaller based on number of staff and files and standard office configuration. Overall on the general government side, they were a third short of office space. There were people at the property yard and two off-site leases currently.

Further work was being done on that. That hasn't evolved into a 20 year master plan as to how to phase it and achieve it. There was a documented shortfall. They were trying to build it so it would be adequate to support city operations until 2028, a 20 year plan.

Chair Lawrence asked if there was any discussion of whether there was a need for a court as opposed to transferring it to Arlington.

Ms. Mester advised the commission they were actively looking at that for two reasons: One, for the space. It didn't solve the police department or the office operations. It would directly impact the court, the sheriff, and the clerk of the court. They're also looking at that for budget constraints. There were legal mandates for holding courts and how it affected the City's status and so forth and the city attorney was looking at that.

Mr. Kearney revealed Arlington County had most of its government functions in rented space. He wondered if the money would be better spent leasing rather than

earmarking funds for land purchases the City may not actually need.

Ms. Mester explained the feasibility study had three options: They try to fit everything on this campus, which wouldn't work because there was not enough parking; a separate police station was looked at on the property yard land the City owned, but you would have to tear down the existing property yard and rebuild both; and then the City Hall structure and leasing or purchasing something else. That might be where a secondary building could be more in the City Center North. All of that was in play, which is why she recommended not doing too much set aside and specific things until the feasibility study, and they settle on what were the top options to proceed on in the future. If it was to go on the basis of set asides, she asked it be equally set aside so there's options for all the functions needed to be addressed.

Ms. Hockenberry said this was an earmark and was not necessarily for a condo purchase. Ms. Mester commented even if the City legally shifted the Court space to Arlington, it may not eliminate the associated costs and the officers would have to respond to court several miles away.

Ms. Mary McMahon, Library Director, said they pulled together what might be possible operating costs of about \$15,000 depending on when some kind of property would come up. The Board pulled together a memo to provide an idea of some of the things that could be moved to another location. Those included part of the automation services department, all of administration and technical services, to gain approximately 2500 square feet in the current library which could have walls changed and would accommodate more room in the children's area; also more room downstairs for the public area there. The conference room would also be moved to another facility so there would be more space for meetings. Staff not directly related to public service desks would be moved creating more space for the public in the facility that is there.

The Chair opened the item to the public.

Mr. Jeff Peterson, (205 Tyson Drive) chairs the Space Committee of the Library Board of Trustees. Jette DeLong of the Library Board and Mary McMahon, the library director, were also present with him.

Mr. Peterson provided a short overview of the revised and significantly less costly proposal for the library expansion that the Library Board of Trustees submitted in response to recent request. He thanked the Planning Commission for their support for the project and appreciated their interest and support.

Mr. Peterson had three basic points he wished to make to the Planning Commission: The library was a cherished community resource for the City of Falls Church; the library desperately needed to expand to maintain the Class A standard everyone has come to expect; and the expansion needs could be met very inexpensively.

Mr. Peterson mentioned in response to the Planning Commission's input, the initial proposal had been significantly revised to be a request for \$2 million and he urged the Planning Commission to follow through with their proposal to include it as a distinct line item in the CIP.

He further wished to point out that the Library Board did specifically vote to request the CIP as a distinct line item in the library expansion and whatever way the CIP was formulated, it would reserve \$2 million for the library and that that money not be subject to being diverted to other property acquisition.

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Mr. Lawrence closed the item to the public.

Ms. Mester asked to make a clarification that although it's one line item, she had changed the project to be specific, the \$2 million for the library, so it would have to be for the library expansion to be clear based on Mr. Peterson's comment.

Chair Lawrence said there was some concern if the property was acquired, then the remaining money could be used for something else. He asked if what Ms. Mester was saying was the full 2 million would only be for the library. Ms. Mester affirmed that was the way the project was presented.

Mr. Meeks asked if the original change in the recreation and parks in fiscal year 2011 was the receipt of the proffer for 300,000, which Ms. Mester acknowledged was correct.

Mr. Meeks said the original request for Big Chimneys specifically, if they're receiving the \$400,000 in proffer money as well as the construction of the street in front of Triangle Park, it seemed not prudent from a financial standpoint not to spend the money concurrent with the proffer. He asked if there was a way to amend so that the receipt of the proffer triggered the CIP number.

Ms. Mester said if he was talking about the \$200,000 in FY13, to move it to 2011. Mr. Meeks wanted to move it to 2011 because you've got the 300,000 in 2011. If they didn't get the 300,000 until 2012, then 2012; whenever it's received.

Ms. Mester directed attention to 10-8 under Tab 10 which was the 5 year projection, the City was below the 12 percent goal in 9, 10, and 11, and don't achieve back to 12 until FY12 so that 200,000 can't be moved forward, unless it is cut somewhere else. The only other place to cut that would be the fire station windows. The 300,000 can be moved out. She suspected they ultimately would end up coinciding.

Mr. Meeks thought it could be moved from a lot of different places and didn't know why it needed to come from the fire station windows.

In response, Ms. Mester advised it needed to be local fund balance. Looking in there, the goals, there was no money behind it. The local on transportation matched the federal money and the others were debt. Unfortunately, the CIP before them had very limited options to change.

Mr. Meeks asked if, by example, they couldn't take it out of the \$14 million and make that \$13,800,000. Ms. Mester said that was not possible because it was debt financed and not local money. Mr. Meeks thought if you receive a proffer of \$300,000, you had construction of the street and were unable based on the CIP to do concurrent engineering and had to spend more money, that wasn't prudent.

Ms. Mester said the chances were it doesn't happen until FY12 but they still couldn't move the 200,000 over because they had to stay within fiscal policies. The current master plan money that's sitting in the bank, if one stopped any other master planning, it might be available to go concurrent.

Mr. Meeks wanted to connect it to the proffer; if the proffer wasn't received in 2012, then we would have additional CIP money.

Ms. Mester said while it didn't necessarily answer Mr. Meeks' question, you ride "as is" and next year when the CIP was updated for FY11, they would know much

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better what was happening with City Center South. If the fiscal picture was different, they could change or elect to take out 100,000 for the general master plan and move it.

Mr. Meeks thought they could reduce some of the money for the general master plan. One of the reasons it got in the CIP was because the operating budgets were ending up higher than it should be because there was master plan implementation. The right place to put it was in the CIP.

Specifically for Big Chimneys, he thought it had to accurately reflect the receipt of a fairly large proffer and the construction of the street, fairly major events, and they would want to spend that money concurrently.

Ms. Mester said if you get the 300,000, you could spend that. What you wouldn't have was the additional 200,000. Big Chimneys would have to be phased. Mr. Meeks submitted the phasing would be okay for the construction but the concern would be the engineering and the implementation of what was already under way.

Ms. Mester replied \$50,000 was already approved for Big Chimneys at the Recs and Parks Board that could be used for engineering.

Mr. Meeks said the theory would be it would be more than that, tied to the receipt of the proffer. Ms. Mester explained until there was a higher fund balance or something changed between now and 2012, there was no movement within the fiscal policies to shift things left and not throw it further down below 12 percent. By Council policy and regulations, they must recover from the drop in 2009 within 3 years.

Mr. Meeks asked if it helped to move it to 2012. Ms. Mester related moving the proffer money did, but the \$200,000 local could not be moved to 2012 because it would drop it below 12 percent. She advised further that if the proffer was moved to 2012, the implementation money could not be moved into 2012. They needed a better projection on what sales tax BJ's and Hekemian generated and until then there was little wiggle room in the CIP. The \$50,000 could be used for design and planning work on Big Chimneys.

Ms. Mester advised the \$50,000 was in a holding pattern because of other park projects. Mr. Meeks noted the \$50,000 was for engineering associated with parklands, city land that was not the street. Ms. Mester said the street would be part of the project and would have to be graded and corrected. The \$50,000 could be used to help design regarding drainage in the park.

Mr. Meeks added the City may be able to tie into the developer's plan but at this time didn't know.

Ms. Hockenberry said that was the intent with that proffer. She suggested approving this but Mr. Meeks could make a motion that would put that on record so that when the opportunity comes to be able to do that, the intent was there. She further noted it was foolish to do these things without piggybacking on other contracts. Ms. Mester added that was certainly Mr. Herman's intention.

Ms. Rodgers inquired if it was likely or unlikely the \$50,000 could be used for something else in the interim. Ms. Mester related it could only be used for Big Chimneys, unless it was defunded. It was not on the list of the 1.5 that was on hold.

If it was defunded, it had to be a formal action by Planning Commission and Council. Currently it was on administrative hold to see how the budget falls out.

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The CIP project was only good for three years. If it's not expended in 3 years, it goes away and back into the General Fund unless it was put back in the CIP to act on.

Mr. Meeks also mentioned if City Center is not built, it would be a totally different issue and this issue would be revisited.

Chair Lawrence raised the idea in the worksession of changing recycling to every 2 weeks since the bins were larger but the response was it was preferred to have more recycling rather than less. He inquired if anyone was considering picking up recycling every week and having trash pick up every 2 weeks or "pay-as-you-throw" to encourage people to do more recycling.

Ms. Mester acknowledged there was a task force and study going under way with staff to look at "pay-as-you-throw" and all the alternatives around that. All of the questions raised were on the table, especially in light of the budget constraints facing, separate from the CIP.

Chair Lawrence referenced the Library Journal Study that he received today and wished to highlight a few points mentioned. There was a ranking of 3 to 5 stars. In Virginia there were only three libraries that got any stars, and Falls Church received three. Loudoun County and Leesburg got three and Williamsburg got five. In terms of circulation per capita, Falls Church was 14th in the country. Nationwide, in terms of visits per capita, we're 22nd, program attendance 21st, and Internet terminal uses, 16th. It's not only we're one of the best in the State, Falls Church Library was one of the best in the country and we're in the smallest category, the 1 to 4.9 million category and we're doing a lot better than places with anywhere from 5 to 15 times our budget.

Chair Lawrence hoped they could find a way to expand the library. Circulation was going up, attendance at events was going through the roof, and as a recent Washington Post article noted, in bad economic times people start using the library more. He further noted the PSA Dewberry study said the City needed 51,000 square feet where currently we had 17,000.

MOTION: Ms. Rodgers moved, and Ms. Teates seconded, that the Planning Commission recommend that the City Council approve pursuant to Section 6.19 of the City Charter and Section 17.08 of the City Code the Fiscal Year 10 to 14 CIP/COP as presented on January 5, 2009, revised through February 2, 2009, and to include for land building acquisition in Fiscal Year 2010, \$500,000 for City Hall Public Safety Improvements and \$2 million for the Library Expansion as a separate line item.

FRIENDLY AMENDMENT: Ms. Hockenberry made a friendly amendment to change the 500,000 for City Hall Public Safety Improvements to \$2 million.

Discussion:

Ms. Hockenberry explained even though \$2 million hadn't been asked for, she thought they needed to have that type of flexibility should anything come up. With this economy you never could tell when a building might be available.

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Ms. Mester affirmed that would be acceptable to the staff. She was basing it on one set of real estate market out there without pushing the envelope too far since she was coming back with an idea outside of worksession. She said her recommendation before the Commission this evening was as she presented it on January 5th through February 2nd, and she would be forwarding the Commission's recommendation to Council.

Chair Lawrence asked if they put in the additional \$2 million for the library, would that be part of what Ms. Mester would be recommending. Ms. Mester replied she had to forward the Commission's request per code. The \$14 million was not going up as she understood the motion because otherwise it wouldn't be within policy and she couldn't recommend it.

Chair Lawrence professed he felt there was a difference between forwarding and staff recommending. Staff could forward but would Ms. Mester's recommendation be, if the Planning Commission put in the \$2 million, staff recommends including these.

Ms. Mester said that would be her recommendation to the city manager. They had to finish the budget process which was why there would be a joint worksession on March 30th for Council and the Planning Commission to review the CIP in case something changed after the action this evening.

Mr. Wodiska referenced Attachment 2, the chart, and asked if the change with the friendly amendment meant there would now be \$4 million in fiscal year 2010 and fiscal year 2011 would just be \$10 million; and the 14 stayed the same. Ms. Mester said it would be 4 and 10 instead of 2.5 and 11.5.

Ms. Teates seconded the friendly amendment.

Ms. Rodgers accepted the friendly amendment.

Ms. Rodgers thought regarding the \$2 million, both of them should be separate line items to understand what they were.

Ms. Hockenberry thought the language regarding the library expansion and the \$2 million for City Hall public safety improvements would cover it.

Ms. Rodgers clarified what she meant is it would say City Hall Public Safety Improvements, and then you would have \$10 million; and then under that another line item for library expansion, \$2 million; and then under that another line item for City Hall Public Safety Improvements for \$2 million. That would all come under 2010.

Ms. Hockenberry's preference was whichever would give the most flexibility.

Ms. Rodgers reiterated she would like to separate out, as the Library Board had requested, a separate line item.

Ms. Mester would request to delete Library Expansion from the line item that exists now. She would leave City Hall Public Safety Improvements. That would read 2 million. Below that would be Library Expansion for 2 million, and then in FY11, Public Safety/City Hall, would read 10 million. She needed to have the flexibility between City Hall and public safety since they hadn't decided the configurations of police as stand alone or police within this building.

Ms. Rodgers indicated that was fine with her. The amendment, if approved, would

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say \$2 million for City Hall/Public Safety Improvements, and \$2 million for the Library Expansion as a separate line item.

RESTATED MOTION: Ms. Rodgers moved, and Ms. Teates seconded, that the Planning Commission recommend that City Council approve pursuant to Section 6.19 of the City Charter and Section 17.08 of the City Code the Fiscal Year 10 to 14 CIP/COP as presented on January 5, 2009, revised to February 2, 2009, and to include for land building acquisition in Fiscal Year 10, \$2 million for City Hall Public Safety Improvements and \$2 million for the Library Expansion; the library expansion as a separate line item.

Upon roll call vote, the motion passed unanimously.

8. **NEW BUSINESS:** None.

9. **OTHER BUSINESS:**

Discussion of 21 February Retreat Agenda.

Ms. Cotellessa went over the draft agenda for the first annual Planning Commission retreat. Some of the things listed in the draft agenda were items the commissioners had brought forward. Included for discussion were Robert's Rules, meeting procedures, motions and their timing, by-law review, review of the City Council's vision plan and its implications for Planning Commission Work Program, a reminder of what was in the current Comprehensive Plan with respect to that vision and newly adopted vision, to put in place a work program how this body can best help to implement the vision. She noted some of the most interesting discussion would take place around project review and site plan timing and procedures.

Ms. Cotellessa observed this community had more input than any community she had ever been in. There was a lot of transparency in the process and a lot of input from different boards and commissions. That was a really positive thing.

What was important was getting the timing to get the benefit of all that input in a reasonable way and still not drag things out for a long period of time. From the public perspective, they get to come and put their voice in and know it's been heard and moved on instead of changing over months and months as the process continues.

It was also important to get information from the AAB, and that City Council receive appropriate input from the Planning Commission and other boards in a timely fashion, and that would all be laid out.

Wrapping up, they would be looking at where they'll be going with the 2010 Comprehensive Plan update, what the State mandate was for that. There was a plan to bring a kind of score card of where the City was on each of the goals and objectives in the Comp Plan, a list of Comp Plan changes that have occurred since passed it was passed, and a list of anticipated updates given current changes in the community.

There was a suggestion made to talk about integrating the EDA's branding and

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marketing project into our Comprehensive Plan review, looking to create a theme for the community to be carried forward, what the Planning Commission does and all of the boards and commissions in advertising in the community. So when you see this branding, whatever turns out to be it, you would say "That's Falls Church."

Ms. Rodgers agreed it was an ambitious agenda but it didn't leave time to just throw out things that they might think needed to be discussed and requested such time, if possible.

Ms. Teates commented that in the previous year there were no meetings on two or three nights and thought when there was a lack of agenda items, they should still have a one or two hour worksession to follow-up on many issues, which Ms. Hockenberry agreed with.

Chair Lawrence also thought they needed a half hour to talk about 2009. He thought it would be a real busy year and they should get a good idea of what would be going on and what was coming down the pike and look ahead and not be unpleasantly surprised. He also wanted to discuss working more with Fairfax and Arlington Counties and see if they could get a joint worksession with them on East Falls Church.

Ms. Teates agreed there were multiple things to discuss in tandem with Fairfax County and Arlington County.

Ms. Cotellessa said the agenda would be revised to incorporate the items mentioned in the 11 to 1 o'clock time period.

10. APPROVAL OF MINUTES: 2 February 2009

Ms. Rodgers moved, and Mr. Kearney seconded, to approve the minutes as submitted.

11. ADJOURNMENT:

Ms. Rodgers moved, and Mr. Wodiska seconded, to adjourn. Meeting was adjourned at 10:07 p.m.

Respectfully Submitted,

Noted and Approved:

Ann Hieber
Recording Secretary

Suzanne Cotellessa, AICP
Planning Director

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